

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LARRY D. LEE,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-05-3406
	§	
WAL-MART, INC.,	§	
Defendant.	§	

MEMORANDUM AND ORDER

This is an employment discrimination case brought by *pro se* Plaintiff Larry D. Lee (“Plaintiff”) against Defendant Wal-Mart Stores, Inc. (“Wal-Mart”).¹ Pending before the Court is Wal-Mart’s Motion to Strike Plaintiff’s Interrogatories [Doc. # 38]. On July 19, 2006, Plaintiff filed and served interrogatories (“Plaintiff’s Interrogatories”) [Doc. # 37] directed to Brad Ulmer (“Ulmer”) and Roderick Toston (“Toston”). Ulmer and Toston, who work as management employees for Wal-Mart, are not parties to this case. Wal-Mart moves to strike Plaintiff’s Interrogatories, correctly noting that interrogatories may only be directed to parties. *See* FED. R. CIV. P. 33.

Pro se pleadings are entitled to a liberal construction that includes all reasonable inferences which can be drawn from them. *See Haines v. Kerner*, 404 U.S. 519, 521

¹ Wal-Mart contends that Plaintiff improperly identified “Wal-Mart Stores, Inc.” and that the appropriate defendant is “Wal-Mart Stores Texas, L.P.”


(1972); *see also United States v. Pena*, 122 F.3d 3, 4 (5th Cir. 1997). Mindful of this liberal standard, the Court will construe Plaintiff's Interrogatories as directed to Wal-Mart, not non-parties Ulmer and Totson. Wal-Mart's responses to Plaintiff's Interrogatories are due August 20, 2006.

Interrogatories may not be directed to non-parties. *See* FED. R. CIV. P. 33. Should Plaintiff desire discovery from a non-party, such as Ulmer and Totson, Plaintiff may notice the individual's oral deposition, *see* FED. R. CIV. P. 30, or he may serve on the non-party a notice for a deposition upon written questions (with the questions attached). *See* FED. R. CIV. P. 31. Discovery requests are **not** to be filed with the Court. *See* S.D. TEX. R. 5.4.

For the reasons stated above, the Court denies Wal-Mart's Motion to Strike Plaintiff's Interrogatories. It is therefore

ORDERED that Wal-Mart's Motion to Strike Plaintiff's Interrogatories [Doc. # 38] is **DENIED**. Wal-Mart's responses to Plaintiff's Interrogatories are due **August 20, 2006**.

SIGNED at Houston, Texas, this **27th** day of **July, 2006**.



Nancy F. Atlas
United States District Judge